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February 6, 2013

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
Washington, D.C. 20554

Re: *Ex parte* Meeting – HyperCube Telecom, LLC  
CC Dkt. No. 95-155  
GN Dkt. Nos. 12-353, 13-5  
WC Dkt. Nos. 10-90, 12-260

Dear Ms. Dortch:

On February 5, 2013, Robert W. McCausland, Vice President of HyperCube Telecom, LLC (“HyperCube”); Doug Davis, Executive Vice President – Technology of HyperCube; Lynn A. Stang, Vice President & Deputy General Counsel of West Corporation; and the undersigned, Helen E. Disenhaus, of Lampert, O’Connor & Johnston, P.C., met with the following staff members of the Wireless Competition Bureau: Deena Shetler, Associate Bureau Chief; Travis Litman, Legal Advisor, Office of the Bureau Chief; Bill Dever, Chief, Competition Policy Division; Tim Stelzig, Deputy Chief, Competition Policy Division; Randy Clarke, Deputy Chief, Pricing Policy Division; Christopher Koves, Attorney Advisor; Claude Aiken, Attorney Advisor; and Melissa Kinkel, Attorney Advisor (via telephone).

HyperCube provided a brief update regarding its current corporate structure. The meeting focused on the points summarized in the attached presentation. There was discussion of the constructive function HyperCube can perform in completing calls between Rural Local Exchange Carriers (“RLECs”) and other providers as an alternative to existing interconnection arrangements between RLECs and Bell Operating Company (“BOC”) tandems. HyperCube described difficulties in obtaining direct interconnection with some RLECs despite having substantial traffic to exchange with those RLECs. The parties also discussed the need for industry consensus on SIP (Session Initiation Protocol) signaling, the need for population of optional parameters such as JIP (Jurisdictional Information Parameter) and OLI (Originating Line Information), the limitations of in-band Multi-Frequency signaling, the need for more frequent updating of the LERG<sup>TM</sup> database, and the need for completion of the reform of SMS/800, Inc.

HyperCube also discussed the continuing need for interconnection obligations in an Internet Protocol (“IP”) environment, and the need and rationale for inclusion of AT&T Mobility offices in any trials of IP interconnection, as reflected in the attached presentation and within HyperCube’s Comments in GN Docket Nos. 12-353 and 13-5, and WC Docket No. 10-90.

Should there be any questions concerning this matter, please contact this office.

Very truly yours,



Helen E. Disenhaus  
*Counsel for*  
*HyperCube Telecom, LLC*

Enclosure

cc (w/encl.):

Deena Shetler, Associate Bureau Chief  
Travis Litman, Legal Advisor, Office of the Bureau Chief  
Bill Dever, Chief, Competition Policy Division  
Tim Stelzig, Deputy Chief, Competition Policy Division  
Randy Clarke, Deputy Chief, Pricing Policy Division  
Christopher Koves, Attorney Advisor  
Claude Aiken, Attorney Advisor  
Melissa Kinkel, Attorney Advisor

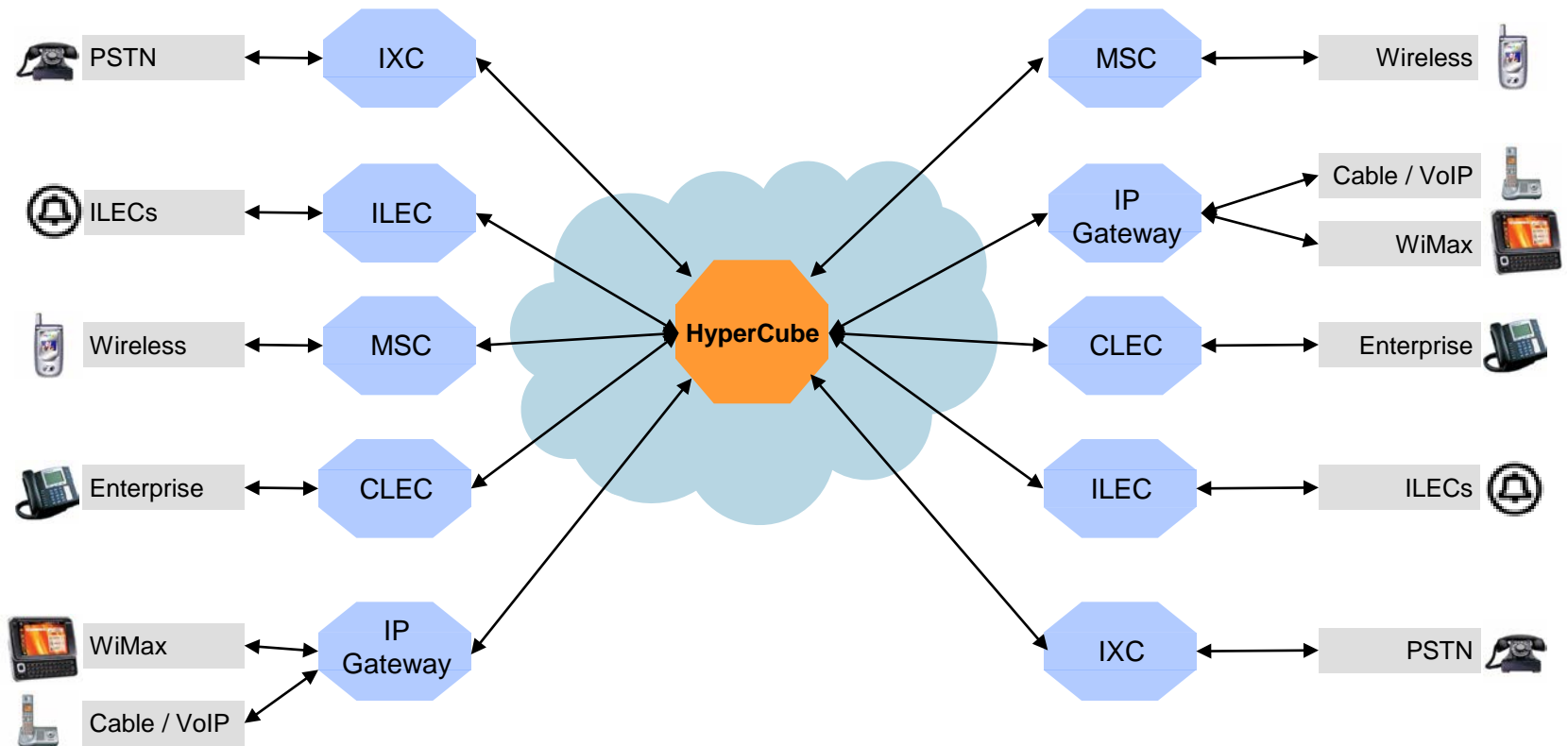
# Technological Transition to IP; USF/ICC Transformation Order; Petition to Change the Composition of SMS/800, Inc.

WC Dockets 10-90 & 12-260, CC Docket 95-155, GN Dockets 12-353 & 13-5, *et al.*

Hypercube Telecom, LLC

February 5, 2013

## HyperCube Provides a National Connection for Tens of Billions of Voice Minutes



## Office Trials Necessitate Commission Supervision

- The Commission should select offices following ILEC nomination and Commission receipt of public input, ensuring:
  - Representative sample of the population of office sizes and types (mix of consumers, businesses & competitive providers; mix of rural, suburban & urban offices).
  - Broad review (call flows, technologies & interconnection types).
  - Competitively-neutral call signaling conformity.
  - Workability of ICA provisions for compliance with the Act.
  - Ability to return offices to original state where adverse trial results arise.
- AT&T wireless offices should be included due to AT&T Mobility's "interconnection integration" with AT&T ILECs.

## Retention of Interconnection and Oversight of Service Discontinuance

- **Interconnection obligations ( § § 251 & 252) are crucial to ensure the that the public has access to competitive alternatives; important ongoing roles exist for:**
  - **FCC**
  - **State Regulators**
- **Continued enforcement of § 214 will ensure that service discontinuance is in the public interest, not just in the private interest of the provider.**
  - **Any fundamental change in the nature of service warrants Commission review.**
  - **The mere transparent migration of fungible service from a TDM to IP platform is not inherently a service discontinuance.**

## Adherence to Call Signaling Rules and Practices

- Industry standards encourage billing data improvement by intermediate providers rather than simple pass-through.
- Imposing liability on intermediate providers would be counterproductive and should be rejected.
  - Originating providers have ultimate call-flow control.
  - Remedies exist for willful violations.
- Limited necessary waivers should be accommodated after scrutiny and proper review.
  - When originating carrier sends pseudo-NANP number or no CN or CP
  - When MF signaling used by terminating carrier so cannot use ANI for CN or CP, due to lack of SIP interconnection standards

## Adherence to Call Signaling Rules and Practices (Cont'd)

- The FCC should continue considering benefits of populating additional parameters, including JIP, OCN and CIC.
- NECA's proposed default option - relying on originating and terminating numbers to categorize traffic - requires either:
  - Mutual agreement on jurisdictional factors or information that can be used to accurately determine the origination point of a call, or
  - A LERG-update obligation imposed and enforced.



# Further Rulemaking Should Be Limited at This Time

- **Insufficient time to assess the impact of prior, sweeping reforms, and the risks to consumers currently outweigh any potential benefit.**
- **“Tinkering” is unnecessary and would be premature:**
  - **That all but the largest RBOCs have strongly protested indicates substantial changes have already affected ICC balance.**
  - **Substantial further compensation reforms at this time could adversely affect service provision and the transition to IP.**
- **Maximize consumer benefit by adopting only those limited proposals that would promote competition and advance the IP transition with minimal impact on ICC.**

## The Public Record Does Not Support Fundamental Changes to Originating Access at This Time

- **Originating Access Remains Necessary and Should Be Retained:**
  - Promotes inter-carrier agreements.
  - Avoids additional shortfalls for already-squeezed LECs and additional pressure on CAF and ARC.
  - No impact on carriers serving both parties to a call.
- **Similarly, Access Charges for 8YY Origination Remain Necessary and Should Be Retained at this time:**
  - The caller's carrier incurs costs that cannot be recovered from the caller.
  - Ensures 8YY service availability to all callers.
  - The called parties that seek to generate (stimulate) calling are the paying customers of the IXC providing the 8YY numbers.

## SMS/800 Database Reform Should Not Be Delayed

- The docketed petition seeks to:
  - Expand membership in SMS/800, Inc. and on its Board.
  - Give tariffing responsibility to SMS/800, Inc.
  - Make SMS/800, Inc. the neutral database administrator.
- Reform puts all SMS/800 users (RespOrgs, SCP owners and operators, and the three RBOCs) on an equal footing by opening board membership to the entire toll-free community rather than just the RBOCs.
- The comment period has closed with no adverse comments.
- The reform plan effects a seamless transition.
- Reform has been delayed long enough.